

EXHIBIT C

**IN THE APPELLATE COURT OF ILLINOIS
SECOND DISTRICT**

Appeal No. 2 - 21 - 0131

BEAL BANK USA,	)	Appeal from the Circuit Court
	)	16 th Judicial Circuit, Kane County,
Plaintiff,	)	Illinois
)	
	)	Circuit Court Case No.
	)	2016 CH 0593
vs.)	
	)	Honorable Kevin T. Busch,
	)	Judge Presiding
Marcia A. Swift aka Marcia Swift aka)	
Marcia A. Jewel; Christopher T. Swift)	
aka Chris T. Swift aka Chris R. Swift aka)	
Chris Swift; Windemere Homeowners	)	Date of Notice of Appeal:
Association; Mortgage Electronic	)	March 10, 2021
Registration Systems, Inc.;	)	Date of Final Judgment:
Ditech Financial LLC; The United	)	February 9, 2021
States of America; State of Illinois)	
Department of Revenue; Unknown Owners)	
and Non-Record Claimants;	)	Supreme Court Conferring
	)	Jurisdiction: Rule 301
Defendants.)	

**DOCKETING STATEMENT
(Civil)**

1. Is this a cross-appeal, separate appeal, joining in a prior appeal, or related to another appeal which is currently pending or which has been disposed of by this Court? If so, state the docket number(s) of the other appeal(s):

No. There are no cross appeals or other related appeals.

There are three related cases:

LVN Corporation v. Swift, Case No. 2011 CH 2069. 16TH Judicial Circuit Court, Kane County, Illinois;

In re Swift, Bankruptcy Case No. 07-12787,
US Bankruptcy Court, Northern District of Illinois; and

BEAL BANK USA v. Swift, 16-cv-10729, US District Court,
Northern District of Illinois;

2. If any party is a corporation or association, identify any affiliate, subsidiary, or parent group:

BEAL BANK USA is the named plaintiff:

BEAL BANK USA, formerly known as Beal Savings Bank and Beal Bank Nevada, and BEAL BANK are two separately chartered banks under common ownership, and are insured by the Federal Deposit Insurance Corporation (FDIC).

BEAL BANK USA and BEAL BANK are affiliated with the following companies: CSG Investments Inc.; Loan Acquisition Corporation; CLG Hedge Fund, LLC.

UmbrellaBank.com (a division of BEAL BANK); and MyCDBank.com (a division of BEAL BANK USA) are online banking affiliates.

3. Full names of Appellants filing this statement:

Marcia A. Swift and Chris T. Swift

Counsel on Appeal for Appellants filing this statement:

Name: George H. Olsen
Address: Law Office of George H. Olsen
PO Box 576
Flossmoor, IL 60422
Telephone: Direct 708 204 8234
Telephone: Office 708 204 8234; Fax: 708 433 0360
Email: golsenlaw@gmail.com

4. Full name of Appellee:

BEAL BANK USA

Counsel on Appeal For Appellee:

Neal, Gerber & Eisenberg LLP
Karl R. Barnickol
Collette A. Woghiren
2 N. LaSalle Street, Suite 1700
Chicago, IL 60602
kbarnickol@nge.com
cwohiren@nge.com

5. Court Reporters:

County Court Reporters
600 S. County Farm Rd. Suite 200
Wheaton, IL 60187

Grove & Associates
1333 North Main St.
Wheaton IL 60187

Approximate duration of trial court proceedings to be transcribed: 8 hours

6. Is this appeal from a final order in a matter involving child custody pursuant to Illinois Supreme Court Rule 311(a)? No

7. Briefly state the general issues proposed to be raised:

This is a residential mortgage foreclosure case. After withdrawal of counsel, Defendants' substituted counsel was not granted time to file a Response to Plaintiff's Motion for Summary Judgment. Plaintiff's Motion was granted despite numerous material fact questions which would preclude entry of summary judgment of foreclosure and sale. After judicial sale, the Order Approving Report of Sale and Distribution, Confirming Sale, and Order of Possession was entered. The trial court denied Defendants' counsel time to file a Response to the Motion for Order Approving Sale.

The general issues proposed to be raised include:

- a. Whether the Trial Court erred in granting Plaintiff's Motion for Summary Judgment over Defendants/Appellants' objections that numerous material fact questions precluded entry of the judgment of foreclosure and sale.
- b. Whether the Trial Court erred in granting Plaintiff's Motions for Summary Judgment and Motion for Order Approving Sale in violation of state and federal accommodations rights for people with psychiatric disabilities granted to Defendants/Appellants.

- c. Whether the Trial Court erred in entering the Summary Judgment over Defendants' objections that the Plaintiff did not have standing to bring the foreclosure case.

I, as attorney for the Defendants/Appellants, certify that on March 17, 2021, I made a written request to the Clerk of the Circuit Court to prepare the record. I further certify that there are court reporter transcripts for this case which Defendants have requested. Copies of the requests to the Clerk of the Circuit Court and to the court Reporters are attached.

Date: ___March 24, 2021___

_____/s/ George H. Olsen_____
George H. Olsen
Attorney for Appellant
Law Office of George H. Olsen
Attorney No. 2104202
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Flossmoor, IL 60422
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March 15, 2021

Clerk of the Circuit Court
Appeals
16th Judicial Circuit
540 S Randall Rd.
St. Charles, IL 60174

Re: Appeal No. 2 - 21 - 0131

BEAL BANK USA v. MARCIA A. SWIFT, et al,
Circuit Court Case # 2016 CII 593 Kane County

Please prepare the Record for Appeal in the subject case.

Sincerely,

/s/ George H. Olsen
George H. Olsen

cc:

Neal, Gerber & Eisenberg LLP
Karl R. Barnickol
Collette A. Woghiren
2 N. LaSalle Street, Suite 170
Chicago, IL 60602
kbarnickol@nge.com
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GEORGE H. OLSEN
Law Office of George H. Olsen

Admitted : Illinois Supreme Court US Supreme Court	PO BOX 576 Flossmoor, Illinois 60422 (708) 204-8234 Fax: (708) 433-0360	E-Mail Address: golsenlaw@gmail.com
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March 24, 2021

County Court Reporters
600 S. County Farm Rd. Suite 200
Wheaton, IL 60187

(630) 653-1622

Re: Appeal No. 2 - 21 - 0131

BEAL BANK USA v. MARCIA A. SWIFT, et al.
Circuit Court Case # 2016 CH 593 Kane County

Please file with the court the transcripts of proceedings which you prepared at hearing on the following dates:

December 8, 2017	September 27, 2019
January 8, 2019	November 13, 2019
April 2, 2019	January 23, 2020
May 21, 2019	July 22, 2020
July 2, 2019	February 9, 2021
July 17, 2019	

In the event your records reflect other dates on which you prepared reports of proceedings, please include those transcripts as well.

Please forward your invoice for services to me.

Sincerely,

George H. Olsen

George H. Olsen

GEORGE H. OLSEN
Law Office of George H. Olsen

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US Supreme Court

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March 24, 2021

Grove & Associates
1333 North Main St.
Wheaton IL 60187

(630) 462-0060

Re: Appeal No. 2 - 21 - 0131

BEAL BANK USA v. MARCIA A. SWIFT, et al,
Circuit Court Case # 2016 CH 593 Kane County

Please file with the court the transcripts of proceedings which you prepared at hearing on the following dates:

May 3, 2017
May 31, 2018
September 26, 2018

In the event your records reflect other dates on which you prepared reports of proceedings, please include those transcripts as well.

Please forward your invoice for services to me.

Sincerely,

George H. Olsen

George H. Olsen